

MICHIGAN DEPARTMENT OF CORRECTIONS POLICY DIRECTIVE		EFFECTIVE DATE 01/01/2006	NUMBER 01.04.130
SUBJECT PRISONER COMMITMENT FILES		SUPERSEDES 01.04.130 (02/05/01)	
		AUTHORITY MCL 4.355; 21.46; 445.81 et seq; 791.201; 791.203 ACA STANDARDS 2-CO-1E-01 - 04; 2-CO-1E-06; 2-CO-1E-08 - 09; 3-4092 - 4094; 2-3083-3101; 1-ABC-1E-01 - 06; 3-ACRS-1E-01 - 06	
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POLICY STATEMENT:

The Department shall maintain commitment files for each prisoner in which to record and maintain information regarding the prisoner's incarceration.

RELATED POLICY:

03.04.108 Prisoner Health Information

POLICY:

GENERAL INFORMATION

- A. Each prisoner shall be assigned a unique six-digit identification number generated sequentially by the Offender Management Network Information System (OMNI) at the time the pre-sentence investigation is ordered. The assigned number shall be used for the prisoner on all subsequent commitments.
- B. The identification number which is assigned upon commitment to the jurisdiction of the Department shall be preceded by one alpha character prefix. The alpha character prefix assigned upon initial commitment is the letter "A". Each subsequent commitment shall be assigned a sequential alpha prefix, except that the letters "I" and "O" shall not be used.
- C. A Central Office file, Record Office file and Counselor file shall be created and maintained for each prisoner upon each commitment to the Department. Each prisoner file shall have a label affixed to the top left portion of the file cover indicating the prisoner's identification number and alpha character prefix. Each file shall contain information regarding, but not limited to, the prisoner's sentence, pending charges, programming and placement, institutional behavior, parole processing and relevant correspondence.
- D. The Records Administrator in Administration and Programs (A&P) shall be responsible for management of the prisoner commitment file process.
- E. Other files, including medical and education files, may be created and maintained for each prisoner consistent with Department policy.
- F. Prisoners' social security numbers may be maintained in the files and records of the Department; however, the numbers shall not be displayed to members of the public or released outside of the Department except as authorized by state or federal law, court rule or order, or Department policy. If a document containing a prisoner's social security number is mailed outside of the Department, none of the social security number shall be visible on or, without manipulation, from outside of the envelope or packaging to ensure against inadvertent disclosure. Any document containing a prisoner's social security number shall be shredded prior to being disposed of unless an alternate disposal method has been established.

CENTRAL OFFICE FILE

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- G. The Central Office file shall be created at the reception facility upon commitment and forwarded to the Central Office Record Office. The Central Office file shall be used as a screening file by Central Office staff for all prisoners and parolees. In addition, the Central Office file may be made available for review by the Department of Attorney General upon request for use in litigation.

RECORD OFFICE FILE

- H. The Record Office file shall be created at the reception facility upon commitment. The Record Office file shall be the official file which documents the sentences imposed against the prisoner and those activities which affect and control the prisoner's incarceration.
- I. Record Office files shall be maintained in the Record Office for the facility at which the prisoner is housed, except as follows:
1. Record Office files for Community Residential Programs (CRP) prisoners, including those in a Technical Rule Violation Program (TRV), shall be maintained in the Office of Field Programs (OFP) Record Office in Central Office.
 2. Record Office files for parolees in a TRV or who are temporarily housed in a county jail shall remain in the record storage center.
 3. Record Office files for prisoners in the Special Alternative Incarceration Program (SAI) shall be maintained in an area designated by the Warden of the Cooper Street Correctional Facility (JCS).
 4. Record Office files for prisoners under the Department's jurisdiction who are serving their Michigan sentence in a Federal Bureau of Prisons facility due to protection needs, or are serving their Michigan sentence and a non-Michigan sentence in a non-Department facility pursuant to court order, shall remain in the Record Office at the sending facility.
 5. Record Office files for prisoners under the Department's jurisdiction are housed in a correctional facility operated by the Federal Bureau of Prisons for other than protection needs, shall be maintained in a separate Record Office established within Central Office by the Records Administrator.
- J. Record Office files for prisoners transferring to a Department facility shall accompany the prisoner, except if the prisoner is transferring to a CRP facility by non-Department transportation. In such cases, the file shall be forwarded to the OFP Record Office as soon as possible but no later than the next business day.
- K. Record Office files for prisoners under the Department's jurisdiction who are transferring to a Federal Bureau of Prisons facility to serve their Michigan sentence, or who are transferring to a non-Department facility to serve their Michigan sentence and a non-Michigan sentence pursuant to court order, shall be retained by the Record Office for the sending facility.
- L. Record Office files for prisoners under the Department's jurisdiction who are transferring to a correctional facility in operated by the Federal Bureau of Prisons for other than protection needs, shall be forwarded as soon as possible but no later than the next business day to the Records Administrator or designee.

COUNSELOR FILE

- M. The Counselor files for prisoners transferring to a Department facility shall accompany the prisoner, except if the prisoner is transferring to a CRP facility by non-Department transportation. In such cases, the file shall be forwarded to the receiving CRP location as soon as possible but no later than the next

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business day. Except in SAI, CRP and TRV, the Counselor file shall be forwarded whenever a prisoner moves to a new housing unit within the facility.

- N. The Counselor file shall be created at the reception facility upon commitment. The Counselor file shall be used as the prisoner's working case file and shall be maintained by the housing unit, camp, SAI, CRP or TRV staff where the prisoner is located.
- O. Counselor files for prisoners under the Department's jurisdiction who are serving their Michigan sentence in a Federal Bureau of Prisons facility due to protection needs, or are serving their Michigan sentence and a non-Michigan sentence in a non-Department facility pursuant to court order, shall remain in the Record Office for the sending facility.
- P. The Counselor files for prisoners under the Department's jurisdiction who are transferred by the Department to a correctional facility operated by the Federal Bureau of Prisons for other than protection needs, shall accompany the prisoner.

FILE MAINTENANCE

- Q. The Records Administrator shall be responsible for identifying which forms are to be filed in prisoner commitment files and for determining their proper location.
- R. Staff shall avoid placing unnecessary and redundant documentation (e.g., duplicate copies of documents, post-it notes, envelopes, telephone messages) in the files. Information received by telephone or by personal contact which is to be placed in the prisoner's file shall be recorded on appropriate Department forms developed for that purpose. All forms requiring signatures and file entries shall be signed and dated.
- S. Although Record Office and housing unit staff are responsible for ensuring proper filing of documents in prisoner files maintained within their areas of control, all staff have a responsibility to notify the appropriate Record Office or housing unit staff when filing errors are discovered.

FILE SECURITY

- T. Staff shall access prisoner files only during the course of their official job duties and shall not use files or file information for personal reasons. No prisoner commitment file may be removed from an institution or office without the approval of the Director or appropriate Executive Policy Team (EPT) member, Regional Prison Administrator, Warden or Field Operations Administration (FOA) Regional Administrator unless required as part of the employee's official job duties.
- U. All files must be maintained in a secure location away from prisoner access. The area shall be kept locked except during business hours when staff are physically present. Files shall be directly supervised and controlled by assigned staff.
- V. Authorized staff from the Department of the Attorney General, and the Office of the Auditor General shall have access to prisoner files upon request. An attorney appointed to represent a prisoner shall have access to that prisoner's files upon request. Unless specifically approved by the Director, appropriate EPT member or Warden, other members of the public shall not have access to prisoner files except as set forth in PD 01.06.110 "Freedom of Information Act - Access to Department Public Records".

CORRECTION OF FILE DOCUMENTS

- W. A prisoner may challenge the accuracy of factual information in documents prepared by the Department which are contained in the prisoner's files but may not challenge opinions, impressions, and judgments contained in such documents and records. It is the prisoner's responsibility to present information in support of the challenge.

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- X. The Warden, FOA Area Manager, or, for Central Office files, the Manager of the Prisoner Affairs Section in the Office of Audit, Internal Affairs and Litigation may order any revisions that are warranted, except that information contained in the Pre-sentence Investigation Report may only be revised by order of the court and information pertaining to hearings conducted by the State Office of Administrative Hearings and Rules in the Department of Labor and Economic Growth may only be expunged with authorization of the Administrator of the Office of Policy and Hearings or designee.

INACTIVE COMMITMENT FILES

- Y. The Record Office file and Counselor file shall become inactive when a prisoner paroled, dies or is discharged from all sentences on which s/he is serving. The Central Office file shall become inactive when a prisoner dies or is discharged from all sentences on which s/he is serving.
- Z. There shall be a records storage center for inactive prisoner commitment files. Inactive files shall be sent to the Central Office Record Office for forwarding to the records storage center. Inactive files shall be maintained in the records storage center in accordance with the Department's Record Retention and Disposal Schedule.
- AA. All requests for inactive commitment files from the records storage center shall be processed through the Central Office Record Office. Only the Records Administrator or designee shall request inactive commitment files directly from the records storage center.
- BB. For prisoners returning as parole violators or from CRP, and for discharged prisoners returning with new commitments, Record Office staff at the receiving facility shall request necessary inactive commitment files from the records storage center through the Central Office Record Office.
- CC. FOIA requests for documents contained within an inactive commitment file shall be processed through the Freedom of Information Act (FOIA) Coordinator in the Litigation and FOIA Section of the Office of Audit, Internal Affairs and Litigation.
- DD. Subpoenas and requests from law enforcement agencies for information contained in an inactive commitment file shall be processed through the Records Administrator or designee.

OPERATING PROCEDURES

- EE. Wardens and the FOA Deputy Director shall ensure that procedures are developed as necessary to implement requirements set forth in this policy directive; this shall be completed within 60 calendar days after the effective date of the policy directive. This requirement includes ensuring that their existing procedures are revised or rescinded, as appropriate, if inconsistent with policy requirements or no longer needed. Facility procedures shall not conflict with procedures issued by the Director or a Deputy Director.

AUDIT ELEMENTS

- FF. A Primary Audit Elements List has been developed and is available on the Department's Document Access System to assist Wardens and FOA Regional Administrators with self audit of this policy, pursuant to PD 01.05.100 "Self Audit of Policies and Procedures".